

105TH CONGRESS  
1ST SESSION

# S. 1497

To release contributors of ordinary trash and minor amounts of hazardous substances from litigation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1997

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To release contributors of ordinary trash and minor amounts of hazardous substances from litigation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Equity and Public Involvement in Superfund Act of  
6       1997”.

7       (b) **TABLE OF CONTENTS.**—The table of contents of  
8       this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—ENHANCED COMMUNITY PARTICIPATION

Sec. 101. Definitions.

Sec. 102. Public participation generally.

Sec. 103. Improvement of public participation in the superfund decisionmaking process; local community advisory groups; technical assistance grants.

Sec. 104. Waste Site Information Offices.

Sec. 105. Technical outreach services for communities.

Sec. 106. Recruitment and training program.

Sec. 107. Priority site evaluation.

Sec. 108. Understandable presentation of materials.

Sec. 109. No impediment to response actions.

## TITLE II—LIABILITY

Sec. 201. Liability exemptions and limitations.

Sec. 202. Expedited final settlement.

# 1                   **TITLE I—ENHANCED** 2                   **COMMUNITY PARTICIPATION**

## 3   **SEC. 101. DEFINITIONS.**

4           (a) IN GENERAL.—Section 117 of the Comprehensive  
5 Environmental Response, Compensation, and Liability Act  
6 of 1980 (42 U.S.C. 9617) is amended—

7           (1) by redesignating subsections (a) through (e)  
8 as subsections (b) through (f), respectively; and

9           (2) by inserting after the section heading the  
10 following:

11       “(a) DEFINITIONS.—In this section:

12           “(1) AFFECTED COMMUNITY.—The term ‘af-  
13 fected community’ means a group of 2 or more indi-  
14 viduals who may be affected by the release or threat-  
15 ened release of a hazardous substance, pollutant, or  
16 contaminant from a covered facility.

1           “(2) COVERED FACILITY.—The term ‘covered  
2 facility’ means a facility—

3           “(A) that has been listed or proposed for  
4 listing on the National Priorities List;

5           “(B) at which the President is undertaking  
6 a removal action that is expected to exceed—

7           “(i) in duration, 1 year; or

8           “(ii) in cost, the funding limit estab-  
9 lished under section 104(c)(1); or

10          “(C) with respect to which the Adminis-  
11 trator of ATSDR has accepted a petition re-  
12 questing a health assessment under section  
13 104(i)(6)(B), and that is under investigation by  
14 the Administrator of the Environmental Protec-  
15 tion Agency under subsection (a) or (b) of sec-  
16 tion 104.

17          “(3) WASTE SITE INFORMATION OFFICE.—The  
18 term ‘waste site information office’ means a waste  
19 site information office established under subsection  
20 (j).”.

21          (b) CONFORMING AMENDMENTS.—

22               (A) Title I of the Comprehensive Environ-  
23 mental Response, Compensation, and Liability  
24 Act of 1980 is amended—

1 (i) in section 111(a)(5) (42 U.S.C.  
 2 9611), by striking “117(e)” and inserting  
 3 “117(f)”;

4 (ii) in section 113(k)(2)(B) (42  
 5 U.S.C. 9613)—

6 (I) in clause (iii), by striking  
 7 “117(a)(2)” and inserting  
 8 “117(b)(2)”; and

9 (II) in the third sentence, by  
 10 striking “117(d)” and inserting  
 11 “117(e)”.

12 (B) Section 2705(e) of title 10, United  
 13 States Code, is amended—

14 (i) by striking “117(e)” and inserting  
 15 “117(f)”; and

16 (ii) by striking “(42 U.S.C. 9617(e))”  
 17 and inserting “(42 U.S.C. 9617(f))”.

18 **SEC. 102. PUBLIC PARTICIPATION GENERALLY.**

19 Section 117 of the Comprehensive Environmental Re-  
 20 sponse, Compensation, and Liability Act of 1980 (42  
 21 U.S.C. 9617) (as amended by section 101(b)) is amend-  
 22 ed—

23 (1) in subsection (b)(2), by inserting “, ade-  
 24 quate notice,” after “oral comments”;

1           (2) in the first sentence of subsection (e), by  
2 striking “major”; and

3           (3) by striking subsection (f) and inserting the  
4 following:

5       “(f) AVAILABILITY OF RECORDS.—

6           “(1) IN GENERAL.—Except as provided in para-  
7 graph (2), throughout all phases of a response ac-  
8 tion at a facility and without the need to file a re-  
9 quest under section 552 of title 5, United States  
10 Code, the President shall make available to the af-  
11 fected community (including the recipient of a tech-  
12 nical assistance grant (if a grant has been awarded  
13 under subsection (i)) or a community advisory group  
14 (if a community advisory group has been estab-  
15 lished)), for inspection and, subject to reasonable  
16 fees, for copying, all records in the administrative  
17 record established by the President under section  
18 113(k).

19       “(2) EXEMPT RECORDS.—Paragraph (1) shall  
20 not apply to—

21           “(A) a record that is exempt from disclo-  
22 sure under section 552 of title 5, United States  
23 Code;

24           “(B) a record that would be subject to the  
25 prohibition on disclosure under section

1           104(e)(7) if the record were obtained under sec-  
2           tion 104; or

3           “(C) a record that is exchanged between  
4           parties to a dispute under this Act for the pur-  
5           pose of settling the dispute.”.

6 **SEC. 103. IMPROVEMENT OF PUBLIC PARTICIPATION IN**  
7 **THE SUPERFUND DECISIONMAKING PROC-**  
8 **ESS; LOCAL COMMUNITY ADVISORY GROUPS;**  
9 **TECHNICAL ASSISTANCE GRANTS.**

10       Section 117 of the Comprehensive Environmental Re-  
11 sponse, Compensation, and Liability Act of 1980 (42  
12 U.S.C. 9617) (as amended by section 101(b)(1)) is  
13 amended by adding at the end the following:

14       “(g) IMPROVEMENT OF PUBLIC PARTICIPATION IN  
15 DECISIONMAKING PROCESS.—

16       “(1) VIEWS AND PREFERENCES.—

17       “(A) SOLICITATION.—To the extent prac-  
18 ticable, in addition to the solicitation of public  
19 comments on a proposed remedial action plan  
20 under subsection (b)(2), the President, during  
21 the response action process (including a re-  
22 sponse under subsection (h)(4)(A)), shall—

23       “(i) disseminate information to the  
24 local community, in particular, information  
25 concerning the effects of the facility on

1 human health, including the effects on chil-  
2 dren and other highly susceptible or highly  
3 exposed populations;

4 “(ii) solicit information from the local  
5 community;

6 “(iii) consider the views of the local  
7 community; and

8 “(iv) include, in any administrative  
9 record established under section 113(k),  
10 the views of the local community and the  
11 response of the Administrator to any sig-  
12 nificant comments, criticisms, or new data  
13 submitted in a written or oral presentation.

14 “(B) PROCEDURE.—To solicit the views  
15 and concerns of the community, the Adminis-  
16 trator may conduct, as appropriate—

17 “(i) face-to-face community surveys  
18 for purposes including the identification of  
19 the location of private drinking water  
20 wells, historic and current or potential use  
21 of water, and other environmental re-  
22 sources in the community;

23 “(ii) public meetings; and

24 “(iii) other appropriate participatory  
25 activities.

1           “(C) PUBLIC MEETINGS.—The Adminis-  
 2           trator shall give particular consideration to pro-  
 3           viding the opportunity for public meetings in  
 4           advance of significant decision points in the re-  
 5           sponse action process.

6           “(D) CONSULTATION.—In determining  
 7           which of the procedures set forth in subpara-  
 8           graph (B) may be appropriate, the Adminis-  
 9           trator shall consult with a community advisory  
 10          group, if 1 has been established under sub-  
 11          section (h), and members of the affected com-  
 12          munity.

13          “(E) NOTIFICATION.—The President shall  
 14          notify the local community and local govern-  
 15          ment concerning—

16               “(i) the schedule for commencement  
 17               of construction activities at a covered facil-  
 18               ity and the location and availability of con-  
 19               struction plans;

20               “(ii) the results of the any review  
 21               under section 121(c) and any modifications  
 22               to the selected response made as a result  
 23               of the review; and



1 “(iii) the execution of and any revi-  
2 sion to institutional controls being used as  
3 part of a remedial action.

4 “(2) MEETINGS BETWEEN LEAD AGENCY AND  
5 POTENTIALLY RESPONSIBLE PARTIES.—The Presi-  
6 dent, on a regular basis, shall inform local govern-  
7 ment officials, Indian tribes, a local community advi-  
8 sory group (if any) and, to the extent practicable, in-  
9 terested members of the affected community of the  
10 progress and substance of technical meetings be-  
11 tween the lead agency and potentially responsible  
12 parties regarding a covered facility.

13 “(3) REMEDIAL ACTION ALTERNATIVES.—A  
14 member of the local community may propose a reme-  
15 dial action alternative in the same manner as any  
16 other interested party may propose a remedial action  
17 alternative.

18 “(h) COMMUNITY ADVISORY GROUPS.—

19 “(1) NOTICE.—The President shall, to the ex-  
20 tent practicable, provide notice of an opportunity to  
21 form a community advisory group to members of the  
22 affected community, particularly persons that are  
23 immediately proximate to or that may be or may  
24 have been affected by a release or threatened re-  
25 lease.

1           “(2) ESTABLISHMENT.—The President shall as-  
2           sist in the establishment of a community advisory  
3           group for a covered facility to achieve direct, regu-  
4           lar, and meaningful communication among members  
5           of the local community throughout the response ac-  
6           tion process—

7                   “(A) at the request of at least 20 individ-  
8                   uals residing in, or at least 10 percent of the  
9                   population of, the area in which the facility is  
10                  located;

11                  “(B) if there is no request under subpara-  
12                  graph (A), at the request of any local govern-  
13                  ment with jurisdiction over the facility; or

14                  “(C) if the President determines that a  
15                  community advisory group would be helpful to  
16                  achieve the purposes of this Act.

17           “(3) RESPONSIBILITIES OF A COMMUNITY ADVI-  
18           SORY GROUP.—A community advisory group shall—

19                   “(A) solicit the views of the local commu-  
20                   nity on various issues affecting the development  
21                   and implementation of response actions at the  
22                   facility;

23                   “(B) serve as a conduit for information be-  
24                   tween the local community and other entities  
25                   represented on the community advisory group;

1           “(C) present the views of the local commu-  
2           nity throughout the response process; and

3           “(D) provide the local community reason-  
4           able notice of and opportunities to participate  
5           in the meetings and other activities of the com-  
6           munity advisory group.

7           “(4) RESPONSIBILITIES OF THE PRESIDENT.—

8           “(A) CONSULTATION.—The President  
9           shall—

10           “(i) consult with the community advi-  
11           sory group in developing and implementing  
12           the response action for a covered facility,  
13           including consultation with respect to—

14           “(I) sampling, analysis, and mon-  
15           itoring plans and results;

16           “(II) assumptions regarding rea-  
17           sonably anticipated future land uses;

18           “(III) potential remedial alter-  
19           natives;

20           “(IV) selection and implementa-  
21           tion of removal and remedial actions  
22           (including operation and maintenance  
23           activities) and reviews performed  
24           under section 121(c); and

25           “(V) use of institutional controls;

1 “(ii) encourage the Administrator of  
2 ATSDR, in cooperation with State, Indian  
3 tribe, and local public health officials, to  
4 consult with the community advisory group  
5 regarding health assessments;

6 “(iii) keep the community advisory  
7 group informed of progress in the develop-  
8 ment and implementation of the response  
9 action; and

10 “(iv) on request, provide to any per-  
11 son the hazard ranking score of any facil-  
12 ity that has been scored under the hazard-  
13 ous ranking system, and the preliminary  
14 assessment and site inspection for the fa-  
15 cility.

16 “(B) CONSIDERATION OF COMMENTS.—

17 The President shall consider comments, infor-  
18 mation, and recommendations that the commu-  
19 nity advisory group provides in a timely man-  
20 ner.

21 “(C) CONSENSUS.—The community advi-  
22 sory group shall attempt to achieve consensus  
23 among its members before providing comments  
24 and recommendations to the President. If con-  
25 sensus cannot be reached, the community advi-

1           sory group shall report or allow presentation of  
2           divergent views.

3           “(5) COMPOSITION OF COMMUNITY ADVISORY  
4       GROUPS.—

5           “(A) MEMBERS.—

6                   “(i) MEMBERS.—The President shall,  
7                   to the extent practicable, ensure that the  
8                   membership of a community advisory  
9                   group reflects the composition of the af-  
10                  fected community and a diversity of inter-  
11                  ests.

12                  “(ii) REPRESENTED GROUPS.—A  
13                  community advisory group for a covered  
14                  facility shall include at least 1 representa-  
15                  tive of the recipients of a technical assist-  
16                  ance grant, if any has been awarded with  
17                  respect to the facility, and shall include, to  
18                  the extent practicable, a person from each  
19                  of the following groups:

20                       “(I) Persons who reside or own  
21                       residential property near the facility.

22                       “(II) Persons who, although they  
23                       may not reside or own property near  
24                       the facility, may be affected by the fa-  
25                       cility contamination.

1                   “(III) Local public health practi-  
2                   tioners or medical practitioners (par-  
3                   ticularly those who are practicing in  
4                   the affected community).

5                   “(IV) Local Indian communities  
6                   that may be affected by the facility  
7                   contamination.

8                   “(V) Local citizen, civic, environ-  
9                   mental, or public interest groups.

10                  “(VI) Members of the local busi-  
11                  ness community.

12                  “(VII) Employees at the facility  
13                  during facility operation.

14                  “(B) LOCAL RESIDENTS.—Local residents  
15                  shall, to the extent practicable, comprise a ma-  
16                  jority of the voting membership of a community  
17                  advisory group.

18                  “(C) NUMBER OF VOTING MEMBERS.—The  
19                  President shall, to the extent practicable, en-  
20                  sure that the voting membership of the commu-  
21                  nity advisory group does not exceed 20 individ-  
22                  uals.

23                  “(D) COMPENSATION.—A member of a  
24                  community advisory group shall serve without  
25                  compensation.

1           “(E) NONVOTING MEMBERS.—The Presi-  
 2           dent shall provide opportunities for representa-  
 3           tives of the following entities to participate (as  
 4           nonvoting members), as appropriate, in commu-  
 5           nity advisory group meetings for purposes in-  
 6           cluding providing information and technical ex-  
 7           pertise:

8                   “(i) The Administrator.

9                   “(ii) Other Federal agencies.

10                  “(iii) Affected States.

11                  “(iv) Affected Indian tribes.

12                  “(v) Representatives of affected local  
 13                  governments (such as city or county gov-  
 14                  ernments or local emergency planning com-  
 15                  mittees, and any other governmental unit  
 16                  that regulates land use or land use plan-  
 17                  ning in the vicinity of the facility).

18                  “(vii) Facility owners.

19                  “(viii) Potentially responsible parties.

20           “(6) TECHNICAL ASSISTANCE GRANTS.—The  
 21           President may award a technical assistance grant  
 22           under subsection (i) to a community advisory group.

23           “(7) ADMINISTRATIVE SUPPORT.—The Presi-  
 24           dent, to the extent practicable, may provide adminis-

1 trative services and support services to the commu-  
2 nity advisory group.

3 “(8) FEDERAL ADVISORY COMMITTEE ACT.—  
4 The Federal Advisory Committee Act (5 U.S.C.  
5 App.) shall not apply to a community advisory  
6 group, to a citizen advisory group (designated by the  
7 President to serve the functions of a community ad-  
8 visory group, or to a Department of Defense restora-  
9 tion advisory board, Department of Energy Site Spe-  
10 cific advisory board, or an ATSDR citizen advisory  
11 panel.

12 “(9) OTHER PUBLIC INVOLVEMENT.—The ex-  
13 istence of a community advisory group shall not di-  
14 minish any other obligation of the President to con-  
15 sider the views of any person in selecting response  
16 actions under this Act. Nothing in this section af-  
17 fects the status of any community advisory group  
18 formed before the date of enactment of this sub-  
19 section. Nothing in this section affects the status,  
20 decisions, or future formation of any Department of  
21 Defense Restoration Advisory Board, or Department  
22 of Energy Site Specific Advisory Board, and no com-  
23 munity advisory group need be established for a fa-  
24 cility if any such Board has been established for the  
25 facility.



1 “(i) TECHNICAL ASSISTANCE GRANTS.—

2 “(1) AUTHORITY.—

3 “(A) IN GENERAL.—The President may  
4 make technical assistance grants available to  
5 members of an affected community for a cov-  
6 ered facility in accordance with this subsection.

7 “(B) ACCESSIBILITY OF APPLICATION  
8 PROCESS.—To ensure that the application proc-  
9 ess for a technical assistance grant is accessible  
10 to all affected citizen groups, the President  
11 shall periodically review the process and the ap-  
12 plication and, based on the review, implement  
13 appropriate changes to improve access.

14 “(C) NOTICE OF AVAILABILITY OF  
15 GRANTS.—The President shall solicit the assist-  
16 ance of a waste site information office in notify-  
17 ing the affected community (including an In-  
18 dian tribe) of the availability of a technical as-  
19 sistance grant for a covered facility as soon as  
20 practicable after the President has begun a re-  
21 sponse action at the covered facility.

22 “(2) SPECIAL RULES.—

23 “(A) NO MATCHING CONTRIBUTION.—No  
24 matching contribution shall be required for a  
25 technical assistance grant.

1           “(B) ADVANCE PAYMENTS.—The Presi-  
2           dent may disburse the grant to a recipient in  
3           advance of the recipient’s making expenditures  
4           to be covered by the grant. In the event that  
5           the President advances funds, funds shall be  
6           advanced in amounts that do not exceed the  
7           greater of \$5,000 or 10 percent of the grant  
8           amount.

9           “(3) LIMIT PER FACILITY.—

10           “(A) IN GENERAL.—The Administrator  
11           may award not more than 1 technical assistance  
12           grant at 1 time with respect to a single covered  
13           facility.

14           “(B) EXTENSION.—The Administrator  
15           may extend a project period established in a  
16           grant to facilitate public participation at all  
17           stages of a response action.

18           “(4) FUNDING AMOUNT.—

19           “(A) LIMIT.—Except as provided in sub-  
20           paragraph (B), the amount of a technical as-  
21           sistance grant may not exceed \$50,000 for a  
22           single grant recipient.

23           “(B) WAIVER OF LIMIT.—The President  
24           may waive the limit on the amount of a tech-

1            nical assistance grant under subparagraph (A)  
2            if a waiver is necessary—

3                    “(i) to carry out the purposes of this  
4            Act; or

5                    “(ii) to reflect—

6                            “(I) the complexity of the re-  
7                            sponse action;

8                            “(II) the nature and extent of  
9                            contamination at the facility;

10                           “(III) the level of facility activity;

11                           “(IV) projected total needs as re-  
12                           quested by the grant recipient;

13                           “(V) the sizes and distances be-  
14                           tween the affected communities; or

15                           “(VI) the ability of the grant re-  
16                           cipient to identify and raise funds  
17                           from other non-Federal sources.

18            “(5) CONSIDERATIONS.—In determining how to  
19            structure payment of the amount of a technical as-  
20            sistance grant, whether to extend a grant project pe-  
21            riod under subparagraph (3)(B), or whether to grant  
22            a waiver under paragraph (4)(B), the Administrator  
23            may consider factors such as the geographical size of  
24            the facility and the distances between affected com-  
25            munities.

1           “(6)    USE    OF    TECHNICAL    ASSISTANCE  
2       GRANTS.—

3           “(A) IN GENERAL.—A technical assistance  
4       grant recipient may use a grant—

5                   “(i) to hire experts to assist the recip-  
6                   ient in interpreting information and pre-  
7                   senting the recipient’s views with regard to  
8                   a response action at the facility (including  
9                   any aspect of a response action identified  
10                  in subsection (h)(4)(A));

11                   “(ii) to publish newsletters or other-  
12                   wise disseminate information to other  
13                   members of the local community; or

14                   “(iii) to provide funding for training  
15                   for interested affected citizens to enable  
16                   the citizens to more effectively participate  
17                   in the response process.

18           “(B) LIMITATION ON USE FOR TRAIN-  
19       ING.—A technical assistance grant recipient  
20       may use not more than 10 percent of the  
21       amount of a technical assistance grant, or  
22       \$5,000, whichever is less, for training under  
23       subparagraph (A)(iii).

24           “(7) GRANT GUIDELINES.—Not later than 180  
25       days after the date of enactment of this paragraph,

1 the President shall ensure that any guidelines con-  
 2 cerning the management of technical assistance  
 3 grants by grant recipients conform with this sec-  
 4 tion.”.

5 **SEC. 104. WASTE SITE INFORMATION OFFICES.**

6 Section 117 of the Comprehensive Environmental Re-  
 7 sponse, Compensation, and Liability Act of 1980 (42  
 8 U.S.C. 9617) (as amended by section 103) is amended by  
 9 adding at the end the following:

10 “(j) WASTE SITE INFORMATION OFFICES.—

11 “(1) ESTABLISHMENT.—

12 “(A) IN GENERAL.—Subject to subpara-  
 13 graph (B), not later than 18 months after the  
 14 date of enactment of this subsection, a State or  
 15 Indian tribe with a facility on the National Pri-  
 16 orities List within the State or Indian tribe’s  
 17 borders or reservation boundaries, respectively,  
 18 may establish a waste site information office to  
 19 perform the functions set forth in paragraph  
 20 (3).

21 “(B) EXISTING OFFICES.—A State or In-  
 22 dian tribe may designate an office in existence  
 23 before the date of enactment of this subsection  
 24 to perform the functions of a waste site infor-  
 25 mation office.

1           “(C) EPA ROLE.—If the State or Indian  
2           tribe notifies the Administrator that the State  
3           or Indian tribe does not intend to establish a  
4           waste site information office, or if the Adminis-  
5           trator determines that the State or Indian tribe  
6           has not established, within 18 months after the  
7           date of enactment of this subsection, an office  
8           to perform the functions of a waste site infor-  
9           mation office, the Administrator shall establish  
10          an office within the Environmental Protection  
11          Agency to perform the functions.

12          “(2) FUNDING.—

13               “(A) IN GENERAL.—Funding for the oper-  
14               ation of waste site information offices, or State,  
15               Indian tribe, or Environmental Protection  
16               Agency offices that perform similar functions,  
17               collectively, shall not exceed \$12,500,000 for a  
18               fiscal year.

19               “(B) STATE OR TRIBAL GRANTS.—Each  
20               State or Indian tribe that has a waste site in-  
21               formation office, or each State, Indian tribe, or  
22               Environmental Protection Agency office per-  
23               forming the functions of a waste site informa-  
24               tion office, shall receive not less than \$100,000

1 for a fiscal year for the performance of those  
2 functions.

3 “(C) FORMULA.—

4 “(i) IN GENERAL.—The Administrator  
5 shall publish guidelines establishing a for-  
6 mula for determining the amount of fund-  
7 ing for each waste site information office.

8 “(ii) FACTORS.—The formula shall in-  
9 clude factors such as the number of facili-  
10 ties listed on the National Priorities List  
11 and the number of other covered facilities  
12 within the State’s borders or Indian tribe’s  
13 reservation boundaries.

14 “(3) FUNCTIONS.—

15 “(A) IN GENERAL.—A waste site informa-  
16 tion office shall, to the extent practicable—

17 “(i) assist the Administrator in—

18 “(I) informing the public regard-  
19 ing the existence of the waste site in-  
20 formation office and its services and  
21 making available the information de-  
22 scribed in clause (ii); and

23 “(II) notifying the public of pub-  
24 lic meetings and other opportunities  
25 to participate under this Act and the

1 rights of the public under this Act;  
2 and

3 “(ii) serve as a clearinghouse, and  
4 maintain records, as appropriate, for waste  
5 site information, including—

6 “(I) information relating to the  
7 operation of Federal, State, and tribal  
8 hazardous substance and waste laws  
9 with respect to the State or Indian  
10 tribe;

11 “(II) information relating to each  
12 covered facility in the State or tribal  
13 reservation, to the extent information  
14 becomes available, including—

15 “(aa) the location, charac-  
16 teristics, and name of owner and  
17 operator of the covered facility;

18 “(bb) the hazardous sub-  
19 stances, pollutants, and contami-  
20 nants at the facility;

21 “(cc) the response actions  
22 being taken, including records of  
23 any institutional controls that are  
24 included in the response actions;



1                   “(dd) use of institutional  
2 controls;

3                   “(ee) any health studies gen-  
4 erated in connection with the cov-  
5 ered facility;

6                   “(ff) the status of the re-  
7 sponse actions at the covered fa-  
8 cility;

9                   “(gg) the results of a review  
10 under section 121(c); and

11                   “(hh) the locations of the  
12 administrative record created for  
13 the facility, if any, under section  
14 113(k);

15                   “(III) a description of the Ad-  
16 ministrator’s process for identifying  
17 covered facilities and possible response  
18 actions under this Act;

19                   “(IV) on request, the hazard  
20 ranking score of any facility for which  
21 a hazardous ranking score has been  
22 prepared and that is within the waste  
23 site information office’s area of re-  
24 sponsibility and the preliminary as-

1            sessment or site inspection for the fa-  
2            cility; and

3            “(V) identification of resources,  
4            including—

5            “(aa) technical assistance  
6            grants under subsection (h);

7            “(bb) opportunities for  
8            forming a community advisory  
9            group under subsection (g);

10           “(cc) opportunities to peti-  
11           tion the Administrator of  
12           ATSDR to perform a health as-  
13           sessment or other related health  
14           activity under section  
15           104(i)(6)(B); and

16           “(dd) additional technical  
17           resources, including information  
18           about how to access national  
19           databases containing toxi-  
20           cological, health, or other perti-  
21           nent information.

22           “(B) REPORT.—

23           “(i) IN GENERAL.—Each waste site  
24           information office shall annually submit to  
25           the Administrator a report documenting

1           how the funds under paragraph (2) were  
 2           used to carry out the functions established  
 3           by this subsection.

4           “(ii) VERIFICATION BY INSPECTOR  
 5           GENERAL.—The Inspector General of the  
 6           Environmental Protection Agency shall pe-  
 7           riodically review the programs carried out  
 8           under this subsection.

9           “(iii) TERMINATION OF GRANT.—The  
 10          Administrator shall terminate the grant  
 11          if—

12                   “(I) the Administrator is unable  
 13                   to verify a certification; or

14                   “(II) the Administrator deter-  
 15                   mines that the grant is not being used  
 16                   in a manner that is consistent with  
 17                   the functions under paragraph (3).”.

18 **SEC. 105. TECHNICAL OUTREACH SERVICES FOR COMMU-**  
 19 **NITIES.**

20          Section 311(d)(2) of the Comprehensive Environ-  
 21          mental Response, Compensation, and Liability Act of  
 22          1980 (42 U.S.C. 9660(d)(2)) is amended—

23                   (1) by striking “shall include, but not be limited  
 24                   to, the conduct of research” and inserting the follow-  
 25                   ing: “shall include—

1 “(A) the conduct of research”;

2 (2) by striking the period at the end and insert-  
3 ing “; and”; and

4 (3) adding at the end the following:

5 “(B) the conduct of a program to provide  
6 to affected communities educational and tech-  
7 nical assistance to and information regarding  
8 the effects or potential effects of the contamina-  
9 tion on human health and the environment.”.

10 **SEC. 106. RECRUITMENT AND TRAINING PROGRAM.**

11 Section 117 of the Comprehensive Environmental Re-  
12 sponse, Compensation, and Liability Act of 1980 (42  
13 U.S.C. 9617) (as amended by section 104) is amended by  
14 adding at the end the following:

15 “(k) RECRUITMENT AND TRAINING PROGRAM.—

16 “(1) IN GENERAL.—The Administrator, in con-  
17 sultation with the National Institute of Environ-  
18 mental Health Science, shall conduct a program to  
19 assist in the recruitment and training of individuals  
20 in an affected community for employment in re-  
21 sponse actions conducted at the facility concerned.

22 “(2) RECRUITMENT, TRAINING, AND EMPLOY-  
23 MENT.—The Administrator shall encourage a person  
24 conducting a response action under this Act to have

1 contractors of the person train in remediation skills  
 2 and employ persons from the affected community.”.

3 **SEC. 107. PRIORITY SITE EVALUATION.**

4 Section 117 of the Comprehensive Environmental Re-  
 5 sponse, Compensation, and Liability Act of 1980 (42  
 6 U.S.C. 9617) (as amended by section 106) is amended by  
 7 adding at the end the following:

8 “(1) PRIORITY SITE EVALUATION.—

9 “(1) EVALUATION.—The Administrator shall  
 10 solicit the assistance of the waste site information  
 11 office in identifying 3 facilities in the area covered  
 12 by each regional office of the Administrator in major  
 13 urban areas, or other areas with minority popu-  
 14 lations and low-income populations (such as within  
 15 Indian country, Indian reservations, and poor rural  
 16 communities) that are likely to warrant inclusion on  
 17 the National Priorities List.

18 “(2) PRIORITY.—Not later than 2 years after  
 19 the date of enactment of this subsection, a facility  
 20 identified under paragraph (1) shall be accorded a  
 21 priority in evaluation for listing on the National Pri-  
 22 orities List and scoring and shall be evaluated for  
 23 listing on the National Priorities List.”.

1 **SEC. 108. UNDERSTANDABLE PRESENTATION OF MATE-**  
 2 **RIALS.**

3 Section 117 of the Comprehensive Environmental Re-  
 4 sponse, Compensation, and Liability Act of 1980 (42  
 5 U.S.C. 9617) (as amended by section 107) is amended by  
 6 adding at the end the following:

7 “(m) PRESENTATION OF MATERIALS.—The Presi-  
 8 dent shall ensure that information prepared for or distrib-  
 9 uted to the public under this section shall be provided or  
 10 summarized in a manner that may be easily understood  
 11 by the community, considering any unique cultural needs  
 12 of the community.”.

13 **SEC. 109. NO IMPEDIMENT TO RESPONSE ACTIONS.**

14 Section 117 of the Comprehensive Environmental Re-  
 15 sponse, Compensation, and Liability Act of 1980 (42  
 16 U.S.C. 9617) (as amended by section 109) is amended by  
 17 adding at the end the following:

18 “(n) NO IMPEDIMENT TO RESPONSE ACTIONS.—  
 19 Nothing in this section shall impede or delay the ability  
 20 of the Environmental Protection Agency to conduct a re-  
 21 sponse action necessary to protect human health and the  
 22 environment.”.

23 **TITLE II—LIABILITY**

24 **SEC. 201. LIABILITY EXEMPTIONS AND LIMITATIONS.**

25 (a) LIABILITY EXEMPTIONS.—Section 107 of the  
 26 Comprehensive Environmental Response, Compensation,

1 and Liability Act of 1980 (42 U.S.C. 9607) is amended  
2 by adding at the end the following:

3 “(o) LIABILITY EXEMPTIONS.—

4 “(1) CONTIGUOUS PROPERTIES.—

5 “(A) NOT CONSIDERED TO BE AN OWNER  
6 OR OPERATOR.—A person that owns or operates  
7 real property that is contiguous to or otherwise  
8 similarly situated with respect to a facility at  
9 which there has been a release or threatened re-  
10 lease of a hazardous substance, that is or may  
11 be contaminated by the release, shall not be  
12 considered to be an owner or operator under  
13 paragraph (1) or (2) of subsection (a) solely by  
14 reason of the contamination if—

15 “(i) the person did not cause, contrib-  
16 ute, or consent to the release or threatened  
17 release;

18 “(ii) the person is not associated with  
19 any other person that is potentially liable  
20 for any response costs at the facility at  
21 which there has been a release or threat-  
22 ened release of a hazardous substance,  
23 through any familial relationship, or any  
24 contractual, corporate, or financial rela-  
25 tionship;

1                   “(iii) the person exercised appropriate  
2                   care with respect to hazardous substances  
3                   from the facility, in light of all relevant  
4                   facts and circumstances;

5                   “(iv) the person is in compliance with  
6                   any land use or activity restrictions on the  
7                   property established or relied on in connec-  
8                   tion with a response action at the facility,  
9                   including informing other persons that the  
10                  person allows to occupy or use the property  
11                  of the restrictions and taking prompt ac-  
12                  tion to correct any noncompliance by such  
13                  persons; and

14                  “(v) the person provides full coopera-  
15                  tion, assistance, and access to the persons  
16                  that are authorized to conduct response ac-  
17                  tions at the facility, including the coopera-  
18                  tion and access necessary for the installa-  
19                  tion, preservation of integrity, operation,  
20                  and maintenance of any complete or par-  
21                  tial response action at the facility.

22                  “(B) ASSURANCES.—The President may  
23                  issue an assurance that no enforcement action  
24                  under this Act will be initiated against a person  
25                  described in paragraph (1).



1 “(2) DE MICROMIS EXEMPTION.—

2 “(A) Notwithstanding paragraphs (1)  
3 through (4) of subsection (a), a person shall not  
4 be liable to the United States or any other per-  
5 son (including liability for contribution) under  
6 this Act for any response costs incurred with  
7 respect to a facility if—

8 “(i) liability is based solely on para-  
9 graph (3) or (4) of subsection (a);

10 “(ii) the total of materials containing  
11 a hazardous substance that the person ar-  
12 ranged for disposal or treatment of, ar-  
13 ranged with a transporter for transport for  
14 disposal or treatment, of, or accepted for  
15 transport for disposal or treatment, at the  
16 facility, was less than 110 gallons of liquid  
17 materials or less than 200 pounds of solid  
18 materials (or such other amount as the  
19 Administrator may determine on a site-  
20 specific basis); and

21 “(iii) the acts upon which liability is  
22 based took place wholly before July 1,  
23 1997.

24 “(B) EXCEPTION.—Subparagraph (A)  
25 shall not apply in a case in which the President

determines that the material containing hazardous substances referred to in subparagraph (A) contributed significantly or could contribute significantly, either individually or in the aggregate, to the cost of the response action with respect to the facility.

“(3) MUNICIPAL SOLID WASTE EXEMPTION.—

Notwithstanding paragraphs (1) through (4) of subsection (a), a person shall not be liable to the United States or any other person (including liability for contribution) under this Act for any response costs incurred with respect to a facility, to the extent that—

“(A) liability is based on paragraph (3) or (4) of subsection (a); and

“(B) the person is—

“(i) an owner, operator, or lessee of residential property from which all of the person’s municipal solid waste was generated;

“(ii) a business entity that, during the taxable year preceding the date of transmittal of written notification that the business is a potentially responsible party, employs not more than 100 individuals; or

1                   “(iii) a small nonprofit organization  
2                   from which all of the person’s municipal  
3                   solid waste was generated.

4           (b) LIABILITY LIMITATIONS.—Section 107 of the  
5 Comprehensive Environmental Response, Liability, and  
6 Compensation Act of 1980 (42 U.S.C. 9607) (as amended  
7 by subsection (a)) is amended by adding at the end the  
8 following:

9           “(p) LIABILITY LIMITATIONS.—

10                   “(1) IN GENERAL.—A municipality that is lia-  
11 ble for response costs under paragraph (1) or (2) of  
12 subsection (a) on the basis of ownership or operation  
13 of a municipal landfill that is listed on the National  
14 Priority List on or before January 1, 1997, shall be  
15 eligible for a settlement of that liability.

16                   “(2) SETTLEMENT AMOUNT.—

17                           “(A) IN GENERAL.—The President shall  
18 offer a settlement to a party with respect to li-  
19 ability described in paragraph (1) on the basis  
20 of a payment or other obligation equivalent in  
21 value to not more than 20 percent of the total  
22 response costs in connection with the facility.

23                           “(B) INCREASED AMOUNT.—The President  
24 may increase the percentage under subpara-

1 graph (A) to not more than 35 percent if the  
2 President determines that—

3 “(i) the municipality committed spe-  
4 cific acts that exacerbated environmental  
5 contamination or exposure with respect to  
6 the facility; or

7 “(ii) the municipality, during the pe-  
8 riod of ownership or operation of the facil-  
9 ity, received operating revenues substan-  
10 tially in excess of the sum of the waste sys-  
11 tem operating costs plus 20 percent of  
12 total estimated response costs in connec-  
13 tion with the facility.

14 “(3) PERFORMANCE OF RESPONSE ACTIONS.—  
15 As a condition of a settlement with a municipality  
16 under this subsection, the President may require  
17 that the municipality perform or participate in the  
18 performance of the response actions at the facility.

19 “(4) OWNERSHIP OR OPERATION BY 2 OR MORE  
20 MUNICIPALITIES.—A combination of 2 or more mu-  
21 nicipalities that jointly own or operate a facility shall  
22 be considered to be a single owner or operator for  
23 the purpose of calculating a settlement offer under  
24 this subsection.

1           “(5) CONDITIONS.—The limitation on settle-  
 2           ment amount under paragraph (2) shall not apply  
 3           on or after the date that is 2 years after the date  
 4           of enactment of this subsection unless the municipal-  
 5           ity institutes or participates in a qualified household  
 6           hazardous waste collection program before the date  
 7           that is 2 years after the date of enactment of this  
 8           subsection.

9           “(6) EXCEPTIONS.—The President may decline  
 10          to offer a settlement under this subsection with re-  
 11          spect to a facility if the President determines that—

12                 “(A) there is no waste except municipal  
 13                 solid waste or municipal sewage sludge at the  
 14                 facility; or

15                 “(B) all known potentially responsible par-  
 16                 ties are insolvent, defunct, or eligible for a set-  
 17                 tlement under this subsection or section  
 18                 122(g).”.

19          (c) COSTS AND FEES.—Section 107 of the Com-  
 20          prehensive Environmental Response, Liability, and Com-  
 21          pensation Act of 1980 (42 U.S.C. 9607) (as amended by  
 22          subsection (b)) is amended by adding at the end the fol-  
 23          lowing:

24                 “(q) COSTS AND FEES.—A person that commences  
 25          an action for recovery of response costs or for contribution

1 against a person that is not liable, or that has entered  
 2 into an expedited settlement under section 107(p) or  
 3 122(g), shall be liable to the defendant for all reasonable  
 4 costs of defending the action, including all reasonable at-  
 5 torney’s fees and expert witness fees.”.

6 **SEC. 202. EXPEDITED FINAL SETTLEMENT.**

7 (a) PARTIES ELIGIBLE.—Section 122(g) of the Com-  
 8 prehensive Environment Response, Liability, and Com-  
 9 pensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

10 (1) by striking the subsection heading and in-  
 11 serting the following:

12 “(g) EXPEDITED FINAL SETTLEMENT.—”;

13 (2) in paragraph (1)—

14 (A) by redesignating subparagraph (B) as  
 15 subparagraph (C);

16 (B) by striking “(1)” and all that follows  
 17 through subparagraph (A) and inserting the fol-  
 18 lowing:

19 “(1) PARTIES ELIGIBLE.—

20 “(A) IN GENERAL.—The President shall,  
 21 as expeditiously as practicable, notify of eligi-  
 22 bility for a settlement, and offer to reach a final  
 23 administrative or judicial settlement with, each  
 24 potentially responsible party that, in the judg-  
 25 ment of the President, meets 1 or more of the

1 conditions stated in subparagraphs (B), (C),  
2 (D), and (E).

3 “(B) DE MINIMIS CONTRIBUTION.—The  
4 condition stated in this subparagraph is that  
5 the potentially responsible party’s liability is for  
6 response costs based on paragraph (3) or (4) of  
7 subsection (a) and the party’s contribution of  
8 hazardous substances at a facility is de  
9 minimis. For the purposes of this subpara-  
10 graph, a potentially responsible party’s con-  
11 tribution shall be considered to be de minimis  
12 only if the President determines that both of  
13 the following criteria are met:

14 “(i) The amount of material contain-  
15 ing a hazardous substance contributed by  
16 the potentially responsible party to the fa-  
17 cility is minimal relative to the total  
18 amount of material containing hazardous  
19 substances at the facility. The amount of a  
20 potentially responsible party’s contribution  
21 shall be presumed to be minimal if the  
22 amount is 1 percent or less of the total  
23 amount of materials containing hazardous  
24 substances at the facility, unless the Ad-

1            administrator identifies a different threshold  
 2            based on site-specific factors.

3            “(ii) The material containing a haz-  
 4            ardous substance contributed by the poten-  
 5            tially responsible party does not present  
 6            toxic or other hazardous effects that are  
 7            significantly greater than the toxic or other  
 8            hazardous effects of other material con-  
 9            taining hazardous substances at the facil-  
 10          ity.”;

11          (C) in subparagraph (C) (as redesignated  
 12          by subparagraph (A))—

13            (i) by redesignating clauses (i)  
 14            through (iii) as subclauses (I) through  
 15            (III), respectively, and adjusting the mar-  
 16            gins appropriately;

17            (ii) by striking “(C) The potentially  
 18            responsible party” and inserting the follow-  
 19            ing:

20            “(C) OWNERS OF REAL PROPERTY.—

21            “(i) IN GENERAL.—The condition  
 22            stated in this subparagraph is that the po-  
 23            tentially responsible party”; and

24            (iii) by striking “This subparagraph  
 25            (B)” and inserting the following:



1 “(ii) APPLICABILITY.—Clause (i)”;

2 and

3 (D) by adding at the end the following:

4 “(D) CONTRIBUTION OF MUNICIPAL SOLID  
5 WASTE AND MUNICIPAL SEWAGE SLUDGE.—

6 “(i) IN GENERAL.—The condition  
7 stated in this subparagraph is that the li-  
8 ability of the potentially responsible party  
9 is for response costs based on paragraph  
10 (3) or (4) of section 107(a) and on the po-  
11 tentially responsible party’s having ar-  
12 ranged for disposal or treatment of, ar-  
13 ranged with a transporter for transport for  
14 disposal or treatment of, or accepted for  
15 transport for disposal or treatment of, mu-  
16 nicipal solid waste or municipal sewage  
17 sludge at a facility listed on the National  
18 Priorities List.

19 “(ii) SETTLEMENT AMOUNT.—

20 “(I) IN GENERAL.—The Presi-  
21 dent shall offer a settlement to a  
22 party referred to in clause (i) with re-  
23 spect to liability under paragraph (3)  
24 or (4) of section 107(a) on the basis  
25 of a payment of \$3.05 per ton of mu-

1           municipal solid waste or municipal sew-  
 2           age sludge that the President esti-  
 3           mates is attributable to the party.

4                   “(II) FACILITY-SPECIFIC AD-  
 5           JUSTMENT.—The President may ad-  
 6           just the \$3.05 amount in subclause  
 7           (I), on a facility-specific basis, to not  
 8           more than \$3.25 per ton, if the Presi-  
 9           dent determines that any of the fol-  
 10          lowing factors is present at a facility:

11                   “(aa) A shallow aquifer  
 12           underlies the facility.

13                   “(bb) The facility is located  
 14           in an area of high rainfall or cold  
 15           ambient air temperature.

16                   “(cc) The ground water af-  
 17           fected by the facility is classified  
 18           as drinking water.

19                   “(dd) Low-permeability  
 20           cover material (such as clay) is  
 21           unavailable at the facility.

22                   “(III) REVISION.—

23                   “(aa) IN GENERAL.—The  
 24           President may revise the \$3.05  
 25           and \$3.25 settlement amounts

1 under subclauses (I) and (II) by  
2 regulation.

3 “(bb) BASIS.—A revised set-  
4 tlement amount under item (aa)  
5 shall reflect the estimated per-ton  
6 cost of closure and post-closure  
7 activities at a representative fa-  
8 cility containing only municipal  
9 solid waste.

10 “(iii) CONDITIONS.—The provisions  
11 for settlement described in this subpara-  
12 graph shall not apply with respect to a fa-  
13 cility where there is no waste except mu-  
14 nicipal solid waste or municipal sewage  
15 sludge.

16 “(iv) MUNICIPAL SEWAGE SLUDGE  
17 CONTAINING CERTAIN RESIDUE.—The  
18 President may decline to offer a settlement  
19 under this subsection to a person that ar-  
20 ranged for disposal or treatment of, ar-  
21 ranged with a transporter for transport for  
22 disposal or treatment of, or accepted for  
23 transport for disposal or treatment, munic-  
24 ipal sewage sludge, if the President deter-  
25 mines that the municipal sewage sludge

1 contributed or could contribute signifi-  
2 cantly to the cost of the response action at  
3 the facility.

4 “(v) ADJUSTMENT FOR INFLATION.—  
5 The Administrator may by guidance peri-  
6 odically adjust the settlement amounts  
7 under clause (ii) to reflect changes in the  
8 Consumer Price Index (or other appro-  
9 priate index, as determined by the Admin-  
10 istrator).

11 “(vi) MUNICIPAL OWNERS AND OPER-  
12 ATORS.—A municipality that arranged for  
13 disposal or treatment of, arranged with a  
14 transporter for transport for disposal or  
15 treatment of, or accepted for transport for  
16 disposal or treatment, municipal solid  
17 waste or municipal sewage sludge at a fa-  
18 cility and is a municipality that is also po-  
19 tentially liable under paragraph (1) or (2)  
20 of section 107(a) at the facility shall be eli-  
21 gible for settlement under this subpara-  
22 graph and section 107(p). The settlement  
23 amount shall be equal to the settlement  
24 amount under clause (ii) with respect to its  
25 contribution of municipal solid waste or

1           municipal sewage sludge, plus the amount  
 2           provided in section 107(p) as to the liabil-  
 3           ity of the municipality under paragraph (1)  
 4           or (2) of section 107(a).

5           “(E)     REDUCTION     IN     SETTLEMENT  
 6     AMOUNT BASED ON LIMITED ABILITY TO PAY.—

7           “(i)    IN    GENERAL.—The   condition  
 8           stated in this subparagraph is that the po-  
 9           tentially responsible party—

10          “(I) is—

11                 “(aa) a natural person;

12                 “(bb) a small business; or

13                 “(cc) a municipality; and

14          “(II) demonstrates to the Presi-  
 15          dent an inability or a limited ability to  
 16          pay response costs.

17          “(ii) COSTS BORNE BY THE UNITED  
 18          STATES.—Where the United States enters  
 19          into a settlement under section 122 with a  
 20          party that agrees to perform work at the  
 21          same facility that is the subject of a settle-  
 22          ment under clause (i), the United States  
 23          shall contribute the difference between—

24                 “(I) the aggregate share that the  
 25                 Administrator determines, on the

1 basis of information presented, to be  
2 specifically attributable to parties with  
3 a limited ability to pay response costs;  
4 and

5 “(II) the share actually assumed  
6 by those parties in any settlements  
7 with the United States under clause  
8 (i).

9 “(iii) SMALL BUSINESSES.—

10 “(I) DEFINITION OF SMALL  
11 BUSINESS.—In this subparagraph, the  
12 term ‘small business’ means a busi-  
13 ness entity that—

14 “(aa) together with its par-  
15 ents, subsidiaries, and other af-  
16 filiates, had an average of not  
17 more than 50 full-time equivalent  
18 employees and an average of not  
19 more than \$3,000,000 in annual  
20 gross revenues, as reported to the  
21 Internal Revenue Service, during  
22 the 3 years preceding the date on  
23 which the business entity first re-  
24 ceived notice from the President

1 of its potential liability under this  
2 Act; and

3 “(bb) is not associated with  
4 any other person potentially re-  
5 sponsible for response costs at  
6 the facility through any familial  
7 relationship, or any contractual,  
8 corporate, or financial relation-  
9 ship other than that arising from  
10 an arrangement for disposal or  
11 treatment, or for transport for  
12 disposal or treatment of hazard-  
13 ous substances.

14 “(iv) DEFINITION OF AFFILIATE.—In  
15 this subparagraph, the term ‘affiliate’ has  
16 the meaning given the term ‘small business  
17 concern’ in regulations promulgated by the  
18 Small Business Administration in accord-  
19 ance with the Small Business Act (15  
20 U.S.C. 631 et seq.).

21 “(v) OTHER POTENTIALLY RESPON-  
22 SIBLE PARTIES.—This subparagraph does  
23 not affect the President’s authority to  
24 evaluate the ability to pay of a potentially  
25 responsible party other than a natural per-

1 son, small business, or municipality, or to  
 2 enter into a settlement with such other  
 3 party based on that party's ability to pay.

4 “(F) BASIS OF DETERMINATION.—If the  
 5 President determines that a potentially respon-  
 6 sible party is not eligible for settlement under  
 7 this subsection, the President shall state the  
 8 reasons for the determination in writing to any  
 9 potentially responsible party that requests a  
 10 settlement under this paragraph. A determina-  
 11 tion by the President under this paragraph  
 12 shall not be subject to judicial review.”.

13 (b) SETTLEMENT OFFERS.—Section 122 of the Com-  
 14 prehensive Environment Response, Liability, and Com-  
 15 pensation Act of 1980 (42 U.S.C. 9622) is amended—

16 (1) in subsection (g)—

17 (A) by redesignating paragraph (6) as  
 18 paragraph (10); and

19 (B) by inserting after paragraph (5) the  
 20 following:

21 “(6) SETTLEMENT OFFERS.—

22 “(A) IN GENERAL.—As soon as practicable  
 23 after receipt of sufficient information, the Ad-  
 24 ministrator shall submit a written settlement  
 25 offer to each person that the Administrator de-



1           termines, based on information available to the  
2           Administrator at the time at which the deter-  
3           mination is made, to be eligible for a settlement  
4           under paragraph (1).

5           “(B) INFORMATION.—At the time at which  
6           the Administrator submits an offer under para-  
7           graph (1), the Administrator shall, at the re-  
8           quest of the recipient of the offer, make avail-  
9           able to the recipient any information available  
10          under section 552 of title 5, United States  
11          Code, on which the Administrator bases the set-  
12          tlement offer, and if the settlement offer is  
13          based in whole or in part on information not  
14          available under that section, so inform the re-  
15          cipient.

16          “(7) LITIGATION MORATORIUM.—

17          “(A) IN GENERAL.—No person eligible for  
18          an expedited settlement under paragraph (1)  
19          shall be named as a defendant in any action  
20          under this Act for recovery of response costs  
21          (including an action for contribution) during  
22          the period beginning on the date on which the  
23          person receives from the President written no-  
24          tice of its potential liability and notice that it

1 is a party that may qualify for an expedited set-  
2 tlement, and ending on the earlier of—

3 “(i) the date that is 90 days after the  
4 date on which the President tenders a  
5 written settlement offer to the person; or

6 “(ii) the date that is 1 year after the  
7 date specified in subparagraph (A).

8 “(B) TOLLING OF PERIOD OF LIMITA-  
9 TION.—The period of limitation under section  
10 113(g) applicable to a claim against a person  
11 described in subparagraph (A) for response  
12 costs or contribution shall be tolled during the  
13 period described in subparagraph (A).

14 “(C) STAY OF LITIGATION.—If, before the  
15 date of enactment of this paragraph, a person  
16 described in subparagraph (A) has been named  
17 as a defendant in an action for recovery of re-  
18 sponse costs or contribution, the court shall,  
19 unless a stay would result in manifest injustice,  
20 stay the action as to that claim until the end  
21 of the period described in subparagraph (A).

22 “(8) NOTICE OF SETTLEMENT.—After a settle-  
23 ment under this subsection becomes final with any  
24 person with respect to a facility, the President shall  
25 promptly notify potentially responsible parties at the

1 facility that have not resolved their liability to the  
2 United States of the settlement.”; and

3 (2) by adding at the end the following:

4 “(n) EXCEPTIONS.—Subsection (g) and subsections  
5 (o) and (p) of section 107 shall not apply in a case in  
6 which the President determines that the person has failed  
7 to comply with any request for information or administra-  
8 tive subpoena issued by the President under this Act, or  
9 has impeded or is impeding the performance of a response  
10 action with respect to the facility.

11 “(o) WAIVER OF CLAIMS.—The President may re-  
12 quire, as a condition of settlement under this subsection  
13 or section 107(p), that a potentially responsible party  
14 waive some or all of the claims (including a claim for con-  
15 tribution under section 113) that the party may have  
16 against other potentially responsible parties for all re-  
17 sponse costs incurred at the facility.

18 “(p) RELATIONSHIP TO LIABILITY UNDER OTHER  
19 LAW.—Nothing in this section affects the obligation of  
20 any person to comply with any other Federal, State, or  
21 local law (including requirements under the Solid Waste  
22 Disposal Act (42 U.S.C. 6901 et seq.).”.

23 (c) REGULATIONS.—The Administrator of the Envi-  
24 ronmental Protection Agency has the authority, under sec-  
25 tion 115 of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980 (42 U.S.C.  
2 9615), to promulgate additional regulations concerning  
3 the amendments made by this section.

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